

REMARKS

This Amendment is submitted in response to the Office Action dated May 6, 2005, wherein the Examiner rejected many of the claims, but did indicate that claims 4-12, 15 and 19-20 would be allowable if re-written in independent form and to otherwise overcome the objections under 35 U.S.C. Section 112 noted in the Action. This indication of allowable subject matter is noted with appreciation. Reconsideration of the application in view of the Amendments made herein and the following remarks is respectfully requested.

As an initial matter, and in response to the claim rejections under 35 U.S.C. Section 112 at pages 2-3 of the Action, applicants have amended claims 2, 16 and 17 in order to overcome the informalities noted by the Examiner. Accordingly, the rejection under Section 112 should no longer be applicable.

As stated in the specification, Applicants' invention is directed to a composition for conditioning water for an aquarium or similar environment that both controls water pH and also reduces and/or eliminates chlorine, chloramines and ammonia build-up. As recited in the claims, the composition includes an alkali metal phosphate and an alkali metal sulfite (preferably sodium hydrosulfite). The alkali metal phosphate controls and/or adjusts the pH in the aquarium while the alkali metal sulfite treats the build-up of harmful chemicals such as chlorine, chloramines and ammonia by chemically combining with these chemicals in order to convert them into less harmful substances.

Turning now to the prior art rejection, the Examiner rejected claims 1-3, 13 and 16-18 as obvious over the patent to Anderson when combined with the teaching in the patent to Higgins. The Examiner argues that it would be obvious to one of skill in the art to include sodium hydrosulfite that is described in Higgins in the treatment system described in Anderson. The Examiner also rejected claim 14 as obvious in view of Anderson and Higgins, and further in view of Whiteman. These rejections are respectfully traversed.

The Anderson patent describes a sterilization system that utilizes two baths in which articles to be sterilized are immersed. The first bath is where the articles are conditioned and the second bath contains a sterilizing solution for sterilization purposes. In particular, according to Anderson, the sterilization system utilizes a solution that includes hypochlorite, di (alkali metal) phosphate, mono (alkali metal) phosphate and non-ionic surfactant. As Anderson states, the combination of phosphates in the solution acts as a buffer, thereby resisting alteration in pH, whereas the addition of a surfactant helps avoid the formation of air bubbles and inhibits corrosion. Significantly, it is noted in Anderson, at column 4, lines 34-49, that it is important that the chosen surfactant be "compatible" and therefore "not react with chlorine." Otherwise, the chlorine-based sterilizing system taught in Anderson (the hypochlorite) will not be effective in sterilizing the selected articles.

It is applicants' position that it would therefore not be obvious to add hydrosulfite to the Anderson solution as suggested by the Examiner. This is because the purpose of the Anderson solution is to maintain the chlorine compound in an active state so that the solution functions appropriately as a disinfectant and sterilizer. Indeed, the very purpose of adding surfactant to the Anderson solution is to substantially inhibit

corrosion to the articles being sterilized without impacting on the effectiveness of the hypochlorite. In contrast, in the claimed composition, an alkali metal sulfite is added for the very purpose of chemically combining with and thus neutralizing the chlorine, etc. (which is harmful in an aquarium environment).

In other words, the Anderson system requires the chlorine component to remain active in order for sterilization to be effective; it would in opposite to the teaching in Anderson to add an alkali metal sulfite to the solution described therein as to do so would destroy the very function of the Anderson solution. On the other hand, because the claimed composition is for conditioning water in an aquarium environment, it is desirable to reduce, if not eliminate, chlorine in the system and the inclusion of an alkali metal silicate does just that, chemically converting the chlorine into a less harmful substance.

Accordingly, it is submitted that it would not be obvious to combine the teachings in Anderson and Higgins in order to derive a water conditioning composition for aquariums and the like that includes both an alkali metal phosphate and an alkali metal sulfite. Thus, independent claims 1 and 16, and all claims depending therefrom, are directed to allowable subject matter. The Examiner's further reliance on the Whiteman publication is irrelevant since the Examiner merely combined Whiteman with Anderson and Higgins for suggesting the packaging of the composition in a gel capsule.

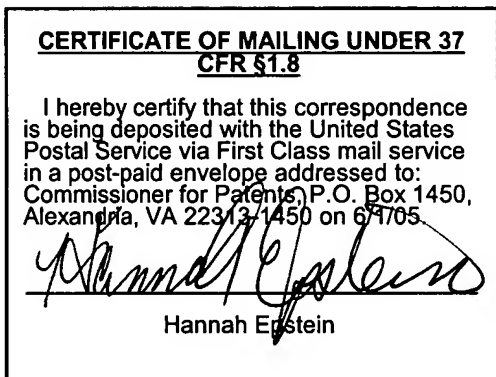
Applicants note that claims 5, 9, 10 and 19 have been re-written in independent form, as per the Examiner's suggestion, and it is submitted, therefore, that these claims are also directed to allowable subject matter.

In summary, claims 1-21, all the claims now pending in the application, should be allowed.

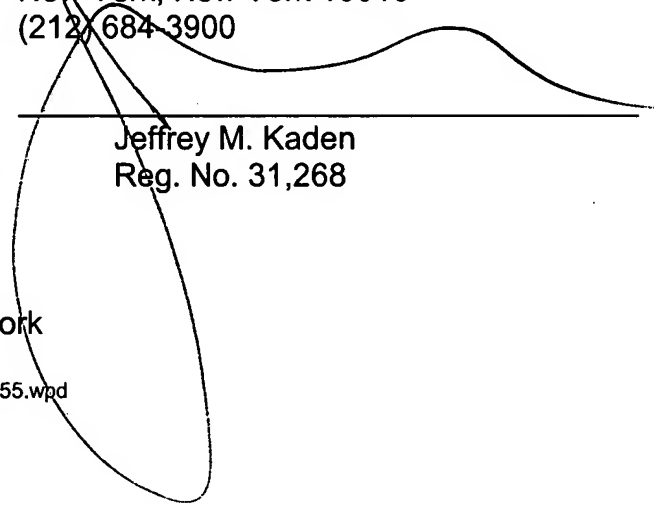
For the presentation of additional independent claims and additional claims in general, applicants submit a check payable to The Commissioner of Patents and Trademarks in the amount of \$650.00.

Please charge any deficiencies to Deposit Account No. 07-1730.

Early and favorable action is respectfully requested.



Respectfully submitted,
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